

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-12 were pending in the application, of which Claims 1, 5 and 8 are independent. In the Final Office Action dated October 20, 2005, Claims 1 and 5-12 were rejected under 35 U.S.C. § 103(a), Claims 2-4 were objected to, but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Following this response, Claims 1, 3 and 4 remain in this application. Applicants hereby address the Examiner's rejections in turn.

Further, on February 10, 2006 and again on February 17, 2006, Applicant's representative conducted a telephone interview with the Examiner. At both times, Applicant's representative discussed how to incorporate subject matter from the objected claims into independent form. Applicants thank Examiner Ly for the courtesy in responding to the Applicant's inquiry.

Claim Rejections – 35 U.S.C. § 103

In the Final Office Action dated October 20, 2005, the Examiner rejected Claims 1, 5 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Carney et al. U.S. Patent No. 5,940,384 ("*Carney* ") in view of Silverman et al. U.S. Patent No. 6,324,572 ("*Silverman*"). Claims 6 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carney* in view of *Silverman* and further in view of Magnusson et al. U.S. Patent No. 6,285,874 ("*Magnusson*"). Claims 7 and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carney* in view of *Silverman* and further in view of *Magnusson* and Tanaka et al. U.S. Patent No. 5,335,355 ("*Tanaka*"). Claims 5-12 have been cancelled without prejudice or disclaimer. All rejections relating to claims 5-12 are now moot.

Claim 1 has been amended to incorporate the subject matter of Claim 2 to further define and clarify the invention, and Applicants respectfully submit that the amendment overcomes the rejection to Claim 1 and adds no new matter. Accordingly, amended independent Claim 1 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 1.

Dependent Claims 3 and 4 are also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 3 and 4.

Moreover, Applicants respectfully request withdrawal of the objection to dependent Claims 3 and 4 at least for the reasons described above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1.

Conclusion

Applicants respectfully request that this Second Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is

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identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this amendment and charge any additional required fees to our Deposit Account No. 13-2725.

Respectfully submitted,

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